

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION**

PLANNED PARENTHOOD SOUTH ATLANTIC;)
BEVERLY GRAY, M.D., on behalf of)
themselves and their patients seeking)
abortions,)
)
)
Plaintiffs,)
)
)
v.)
)
JOSHUA H. STEIN, Attorney General of)
North Carolina, in his official)
capacity; TODD M. WILLIAMS, District)
Attorney ("DA") for Prosecutorial)
District ("PD") 40, in his official)
capacity; JIM O'NEILL, DA for PD 31, in)
his official capacity; SPENCER B.)
MERRIWEATHER III, DA for PD 26, in his)
official capacity; AVERY CRUMP, DA for)
PD 24, in her official capacity; JEFF)
NIEMAN, DA for PD 18, in his official)
capacity; SATANA DEBERRY, DA for PD 16,)
in her official capacity; WILLIAM WEST,)
DA for PD 14, in his official capacity;)
LORRIN FREEMAN, DA for PD 10, in her)
official capacity; BENJAMIN R. DAVID, DA)
for PD 6, in his official capacity; KODY)
H. KINSLEY, M.P.P., Secretary of the)
North Carolina Department of Health and)
Human Services, in his official)
capacity; MICHAUX R. KILPATRICK, M.D.,)
PhD., President of the North Carolina)
Medical Board, in her official capacity,)
on behalf of herself, the board and its)
Members; RACQUEL INGRAM, PhD., R.N.,)
Chair of the North Carolina Board of)
Nursing, in her official capacity, on)
behalf of herself, the Board and its)
members; and their employees, agents,)
and successors,)
)
Defendants.)

Case No.1:23-CV-480

**MOTION TO INTERVENE
AS DEFENDANTS BY
PHILIP E. BERGER,
PRESIDENT PRO TEMPORE
OF THE NORTH CAROLINA
SENATE and TIMOTHY K.
MOORE, SPEAKER OF THE
NORTH CAROLINA HOUSE
OF REPRESENTATIVES**

Pursuant to Federal Rule of Civil Procedure 24 and local rule 7.3, Philip E. Berger, President *Pro Tempore* of the North Carolina Senate, and Timothy K. Moore, Speaker of the North Carolina House of Representatives, ("Legislative Leaders") respectfully move to intervene as defendants on behalf of the General Assembly and as agents of the State of North Carolina to defend the portions of Session Law 2023-14 challenged by Plaintiffs. The Court should, respectfully, grant the Motion for the reasons offered in the accompanying Memorandum in Support.

Proposed Intervenor Defendants are attempting to intervene as soon as they became aware of the recently scheduled Hearing on June 28, 2023. They have not prepared a Proposed Answer pursuant to Rule 24(c). Instead, they request an expedited ruling on this Motion allowing them to intervene under these circumstances so that they can participate in the hearing on June 28, 2023. If the Court grants the Motion, the Legislative Leaders may seek leave of Court to file a Motion to Dismiss the Complaint. Defendant Attorney General Stein has indicated he does not oppose the Motion. Plaintiffs were not able to provide a position on the Motion before it was

filed. The Legislative Leaders have not been able to make contact with the counsel for President of the Medical Board and Chair of the Board of Nursing who entered an appearance late this afternoon. The Legislative Leaders do not know who represents any of the other named defendants because they have not made an appearance.

Respectfully submitted this 22nd day of June, 2023.

/s/ W. Ellis Boyle
W. Ellis Boyle
N.C. State I.D. No. 33826
email:docket@wardandsmith.com*
email: weboyle@wardandsmith.com**
WARD AND SMITH, P.A.
Post Office Box 7068
Wilmington, NC 28406-7068
Tel.: (910) 794-4800
Fax: (910) 794-4877
*Attorney for Intervenor-
Defendants Moore and Berger*

* This email address must be used in order to effectuate service under the Federal Rules of Civil Procedure.

** Email address to be used for all communications other than service.

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of June, 2023, a copy of the foregoing document was served via the Court's CM/ECF system which served notice of this filing to all counsel of record.

/s/ W. Ellis Boyle
W. Ellis Boyle